



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, 11 अक्टूबर, 2000/19 अक्टूबर, 1922

हिमाचल प्रदेश सरकार

नगर एवं ग्राम योजना विभाग

अधिसूचना

शिमला-2, 20 सितम्बर, 2000

संख्या टी० सी० पी० ला०-६-एक्ट एण्ड रूलज/२०००.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश नगर एवं ग्राम योजना अधिनियम, १९७७ (१९७७ का १२) की धारा ३९-ग के माध्यम से धारा ८७ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिसूचना संख्या ९-१२/७२-पी० ई० 'बी' तारीख १९-१२-१९७८ द्वारा तारीख ६-४-१९७९ को राजपत्र, हिमाचल प्रदेश असाधारण में प्रकाशित, हिमाचल प्रदेश टाऊन एण्ड कंट्री प्लानिंग रूलज, १९७८ में और संशोधन करने के लिए निम्नलिखित नियम बनाने का प्रस्ताव करते हैं। इन्हें जन साधारण की सूचना के लिए राजपत्र, हिमाचल प्रदेश में एतद्वारा प्रकाशित किया जा रहा है और एतद्वारा नोटिस दिया जाता है कि उक्त नियमों पर इनके राजपत्र में प्रकाशन की तारीख से ३० दिन की अवधि के अवसान के पश्चात् राज्य सरकार द्वारा विचार किया जाएगा।

इन नियमों से संभाव्य प्रभावित होने वाला कोई व्यक्ति यदि इन नियमों के विरुद्ध कोई आपेप करना

या सुझाव देना चाहें तो वह उसे उन्हीं लिखित रूप में उपर्युक्त विनिर्दिष्ट अवधि के भीतर आयुक्त एवं सचिव नगर एवं ग्राम योजना हिमाचल प्रदेश सरकार शिमला-2 को भेज सकेंगे।

उपर्युक्त विनिर्दिष्ट अवधि के भीतर प्राप्त सुझावों या आशेषों, यदि कोई हो, पर राज्य सरकार द्वारा इन नियमों को अन्तिम रूप देने से पूर्व विचार किया जाएगा, अर्थात्:—

1. संक्षिप्त नाम.—1. इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश टाऊन एण्ड कन्ट्री प्लानिंग अमेन्डमेंट रूलज, 2000 है।

2. ये नियम राजपत्र हिमाचल प्रदेश में प्रकाशित किए जाने की तारीख से प्रवृत्त होंगे।

2 नियम 19 ई का अंतःस्थापना.—हिमाचल प्रदेश टाऊन एण्ड कन्ट्री प्लानिंग रूलज, 1978 'जिन्हें इसमें इसके पश्चात् उक्त नियम कहा जाएगा' के नियम 19-डी के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात्:—

*Section 39-C, Section 87 (2) (xxiii) "19-E (1) Composition of offences.— Any person, not being the Union Government, State Government or a local authority constituted under Act *ibid*, may apply, under sub section (1) of section 39-C in form XVII-D, to the Director for composition of offences along with the schedule attached with the application form.*

(2) *Application Fee.—Every application submitted under sub section (1) of Section 39-C, shall be accompanied by a fee of Rs. 100/-deposited into the Government Treasury, under the appropriate head of account through treasury Challan.*

(3) *Composition Fee.— Composition fee shall be charged from the applicant at the rates specified below:—*

| Sl. No. 1 | Offence 2 | Composition Fee 3 |
|--------------|---|--|
| 1. | Deviation to the extent of 25% in the set backs from the approved plan (floor wise) : Provided that deviation in each set back is to be calculated separately. | (i) In the case of building falling within the jurisdiction of Municipal Corporation/Municipal Council @ Rs. 400/-per sq.m. for ground floor level and @ Rs. 200/-per sq.m. for each subsequent floor level, and (ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, @ Rs. 200/-per sq. m. for ground floor level and Rs. 100/- per sq. m. for each subsequent floor level. |
| 2. | In case of buildings where plans were not approved :— | |
| (a) | Construction carried out conforms to the Development Plan/Interim Development Plan and other rules prescribed under Sections 15-A and 16 of the Act <i>ibid</i> . | (a) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, Rs. 5000/-upto 100 sq. m. plinth area and @ Rs. 100/-per sq.m. for over 100 sq. m. plinth area; and |

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- (ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, Rs. 2000/-upto 100 sq.m. plinth area and @ Rs. 50/-per sq. m. for over 100 sq. m. plinth area.
- (b) Excess coverage of set Backs to the extent of 25% of permissible set backs (Floor-wise); Provided that excess coverage in each set back is to be calculated separately.
- (b) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, @ Rs. 400/-per sq. m. for ground floor level and @ Rs. 200/-per sq. m. for each subsequent floor level ; and
- (ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, @ Rs. 200/-per sq.m. for ground floor level and @ Rs. 100/-per sq m. for each subsequent floor level.
- (c) Building constructed on an under size plot than prescribed under the Rules & Regulations.
- (c) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, Rs. 5000/-; and
- (ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council Rs. 2,000/-.
- (d) Actual land use of the land is different from the land use prescribed in the I.D.P./D.P.
- (d) (i) In case of land use change to residential from any other use; @ Rs. 30/-per sq. m. ;
- (ii) In case of land use changed to Commercial or Industrial from any other use, @Rs. 50/-per sq. m. ;
- (iii) In case of land use changed to any other use not covered above @Rs. 30/-per sq. m.
- Provided that deviation/offence of change of land use to Hotel and Medium or Heavy Industry shall not be compounded.
- Provided that for offences covered under 2 (b), 2 (c) and/or 2 (d), the compounding fee provided under 2 (a) shall also be charged.
3. Deviation in Floor Area Ratio to the extent of 15% from the permissible Floor Area; provided that no extra story than permissible under the provisions of Development Plan, Interim Development Plan or Rules under section 15 and 16 of the Himachal Pradesh Town & Country Planning Act, 1977 shall be allowed (Basement and Attic shall be counted as an independent storey).
- (i) In case the use of the building is Commercial or Hotel, @Rs. 5000 per sq. m. ; and
- (ii) In case of any other use of the building than prescribed in clause (i) above, @Rs. 2000/-per sq. m.

| 1 | 2 | 3 |
|----|---|---------------------|
| 4. | Extra coverage of Plot to the extent of 25% than permissible. | @Rs. 100/-per sq.m. |

Provided that the Government may exempt certain areas from the application of these rules if the Local Authorities of such areas have framed their own rules for this purpose :

Provided further that each offence shall be compounded separately.

3. प्ररूप 17-डी का जोड़ा जाना.—उक्त नरुपों के प्ररूप 17-सी के पश्चात् नया प्ररूप 17-डी जोड़ा जाएगा।

अरादेश द्वारा,

हस्ताक्षररत/-
आयुक्त एवं सचरव टी0 सी0 पी0।

FORM-XVII-D

(See Rule 19-E)

FORM OF APPLICATION FOR COMPOSITION OF OFFENCES UNDER SECTION 39-C OF THE HIMACHAL PRADESH TOWN AND COUNTRY PLANNING ACT, 1977 (ACT NO. 12 OF 1977)

No.....Dated.....

From:

.....
.....
.....

To

The Director,
Town and Country Planning Department,
Himachal Pradesh, Shimla-171 009.

Sir,

I/We beg to apply for composition of deviations having carried out unauthorised construction on Khasra No.....Khata Khatauni No.....measuring.....
situated at Mauza.....Pargana.....Tehsil.....
District.....Himachal Pradesh. Details of the unauthorised construction are as follows:

1. (a) In case of deviation from the approved plan:—

(i) Original Plan approved vide
No.....Dated.....

(i) Deviation in the set backs (Floor wise)

Ground floor.....sq. m.
First floor.....sq. m.
Second Floor.....sq. m.
Third floor.....sq. m.

(b) In case of total unauthorised construction:

- (i) No. of storeys of the building.....
(ii) Whether the construction carried out is as per Development Plan/Interim Development Plan regulations and other prescribed rules under section 15-A and 16 of the Act.....Yes/No

(iii) Excess coverage of set backs than permissible.

Ground floor.....sq. m.
First floor.....sq. m.
Second floor.....sq. m.
Third floor.....sq. m.

- (iv) Whether building constructed on an under size plot.....Yes/No

- (v) Whether the landuse of the land has been changed.....Yes/No. If yes, changed from.....to.....

2. I/We attach.

- (a)Sheets of plans, elevation and sections stated in the enclosed schedule.
(b) Photographs of building from front and one side showing clearly the No. of storeys.
(c) Jamabandi/Sale Deed.
(d) Tatima showing access to the plot
(e) Location Plan.
(f) Site Plan.
(g) No objection certificate from the collector in case the building or a part thereof, falls with the controlled area under the provisions of the Himachal Pradesh road side land control Act 1968.

3. The Plans have been prepared by.....(Name of the Registered Architect/
Planner/Engineer/Draughtsman), Registration No.....
Address

4. I/We have deposited a sum of Rs. 100/-towards the application fee vide treasury Challan dated.....(Original attached).

Yours faithfully,
Signature of the applicant(s).
Address.....

SCHEDULE

Plans :

1. Site Plan 1:200 scale showing all drainage lines, sewage connection/or location of septic tank, soak pit and house drainage.

2. Building Plans to the scale of 1:100 scale showing :

- (i) Ground floor plan
- (ii) Other floor plans
- (iii) Typical cross section
- (iv) Longitudinal Section
- (v) Two elevations

These drawings must be in the form of working drawing showing all the dimensions of rooms, openings, thickness of walls, roofs, flooring, foundations and damp proof course.

3. SCHEDULE OF AREA :—

| | |
|-----------------|-------------|
| Built up Area |sq. m. |
| Open Area |sq. m. |
| Total Plot Area |sq. m. |

4. SCHEDULE OF OPEN SPACES:—

| | |
|----------------|-------------|
| Front Set back |meters |
| Side set backs |meters |
| Rear set back |metres |

Signatures of Applicant(s).

[Authoritative English Text of Government Notification TCP-Law-VI-Act and Rules/2000, Dated 20-9-2000 as required under Clause (3) of Article 348 of the Constitution of India].

TOWN AND COUNTRY PLANNING DEPARTMENT

NOTIFICATION

Shimla-2, the 20th September, 2000

No. TCP-LAW-VI-Act&Rules/2000.—In exercise of the powers conferred by section 87 read with section 39-C of the Himachal Pradesh, Town and Country Planning Act, 1977 (Act No. 12 of 1977), the Governor of Himachal Pradesh proposes to make the following rules further to amend the Himachal Pradesh, Town and Country planning Rules, 1978 published in the Rajpatra, Himachal Pradesh (Extra Ordinary) dated 6-4-1979 *vide* notification No. 9-12/72-PW (B), dated 19-12-1978. The same are hereby published in the Rajpatra Himachal Pradesh for the information of the general public, and notice is hereby given that the said rules will be taken into consideration by the State Government after the expire of a period of 30 days from the date of their publication in the Rajpatra.

If any person, likely to be affected by these rules have any objection (s) or suggestion(s) to make against these rules, he may send the same in writing to the Commissioner-cum-Secretary (Town & Country Planning) to the Government of Himachal Pradesh, Shimla-171002 within the period specified above.

Objections/suggestions, if any, received within the period specified above, shall be taken into consideration by the State Government before finalising these rules, namely:—

1. *Short title.*—(i) These rules may be called the Himachal Pradesh Town and Country Planning (Amendment) Rules, 2000.

(ii) They shall come into force from the date of their publication in Rajpatra Himachal Pradesh.

2. *Insertion of Rule 19-E.*—After rule 19-D of the Himachal Pradesh Town and Country Planning Rules, 1978 (hereinafter called the 'said rules'), the following shall be inserted, namely:—

Section 39-C, Section 87 (2) (xxiii) "19-E (1) Composition of offences.— Any person, not being the Union Government, State Government or a local authority constituted under Act *ibid*, may apply, under sub section (1) of Section 39-C in form XVII-D, to the Director for composition of offences along with the schedule attached with the application form.

(2) *Application Fee.*—Every application submitted under sub-section(1) of Section 39-C, shall be accompanied by a fee of Rs. 100/-deposited into the Government Treasury, under the appropriate head of account through treasury Challan.

(3) *Composition Fee.*—Composition fee shall be charged from the applicant at the rates specified below:—

| Sl. No. 1 | Offence 2 | Composition Fee 3 |
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| 1. | Deviation to the extent of 25% in the set backs from the approved plan (floor wise): Provided that deviation in each set back is to be calculated separately. | (i) In the case of building falling within the jurisdiction of Municipal Corporation/Municipal Council @ Rs. 400/-per sq.m. for ground floor level and @ Rs. 200/- per sq.m. for each subsequent floor level, and (ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, @Rs. 200/-per sq. m. for ground floor level and @ Rs. 100/- per sq. m. for each subsequent floor level. |
| 2. | In case of buildings where plans were not approved:— | |
| (a) | Construction carried out conforms to the Development Plan/Interim Development Plan and other rules prescribed under Sections 15-A and 16 of the Act <i>ibid</i> . | (a) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, Rs. 5000/-upto 100 Sq. m. plinth area and @ Rs. 100/-per sq.m. for over 100 sq. m. plinth area; and (ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, Rs. 2000/-upto 100 sq. m. plinth area and @ Rs. 50/-per sq. m. for over 100 sq. m. plinth area. |

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(b) Excess coverage of set Backs to the extent of 25% of permissible set backs (Floor-wise); Provided that excess coverage in each set back is to be calculated separately.

(c) Building constructed on an under size plot than prescribed under the Rules and Regulations.

(d) Actual land use of the land is different from the land use prescribed in the I. D. P./D. P.:

Provided that deviation/offence of change of land use to Hotel and Medium or Heavy Industry shall not be compounded.

Provided that for offences covered under 2(b), 2(c) and/or 2 (d), the compounding fee provided under 2 (a) shall also be charged.

3. Deviation in Floor Area Ratio to the extent of 15% from the permissible Floor Area; provided that no extra story than permissible under the provisions of Development Plan, Interim Development Plan or Rules under section 15 and 16 of the Himachal Pradesh Town & Country Planning Act, 1977 shall be allowed (Basement and Attic shall be counted as an independent storey).

4. Extra coverage of Plot to the extent of 25% than permissible.

(b) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, @ Rs. 400/-per sq. m. for ground floor level and @ Rs. 200/-per sq. m. for each subsequent floor level ; and

(ii) In case of building falling outside the jurisdiction of Municipal/Corporation/Municipal Council, @ Rs. 200/-per sq.m. for ground floor level and @ Rs. 100/-per sq m. for each subsequent floor level.

(c) (i) In case of building falling within the jurisdiction of Municipal Corporation/Municipal Council, Rs. 5000/-; and

(ii) In case of building falling outside the jurisdiction of Municipal Corporation/Municipal Council, Rs. 2,000/-.

(d) (i) In case of land use changed to residential from any other use; @Rs. 30/- per sq. m. ;

(ii) In case of land use changed to Commercial or Industrial from any other use, @ Rs. 50/- per sq. m. ;

(iii) In case of land use changed to any other use not covered above @ Rs. 30/- per sq. m.

(i) In case the use of the building is Commercial or Hotel, @Rs.- 5000/- per sq. m. ; and

(ii) In case of any other use of the building than prescribed in clause (i) above, @Rs. 2000/- per sq. m. ;

@Rs. 100/- per sq. m.

Provided that the Government may exempt certain areas from the application of these rules if the Local Authorities of such areas have framed their own rules for this purpose.

Provided further that each offence shall be compounded separately.

3. *Addition of Form XVII-D.*—After form XVII-C of the said rules, a new form “XVII-D” shall be added.

By order,

Sd/-

Commissioner-cum-Secretary.

FORM-XVII-D

(See Rule 19-E)

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OF THE HIMACHAL PRADESH TOWN AND COUNTRY PLANNING
ACT, 1977 (ACT NO. 12 OF 1977)

No..... Dated.....

From:

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To

The Director,
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(b) In case of total unauthorised construction:—

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- (ii) Whether the construction carried out is as per Development Plan/Interim Development Plan regulations and other prescribed rules under section 15-A and 16 of the Act..... Yes/No
- (iii) Excess coverage of set backs than permissible.
- Ground floor.....sq. m.
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- (iv) Whether building constructed on an under size plot..... Yes/No
- (v) Whether the landuse of the land has been changed..... Yes/No. If yes, changed from.....to.....

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3. The Plans have been prepared by.....(Name of the Registered Architect/Planner/Engineer/Draughtsman), Registration No.....
Address.....
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| | |
|-----------------|-------------|
| Built up Area |sq. m. |
| Open Area |sq. m. |
| Total Plot Area |sq. m. |

4. SCHEDULE OF OPEN SPACE:—

| | |
|----------------|-------------|
| Front Set back |meters |
| Side set backs |meters |
| Rear set back |metres |

Signature of Applicant(s).
